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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/179,872	10/28/1998	PAN-JIN KIM	1317.1055/MD	6192

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EXAMINER

BROWN, RUEBEN M

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 12/26/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/179,872

Applicant(s)

KIM ET AL.

Examiner

Brown M. Reuben

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 November 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Enclosed Advisory Action.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: \_\_\_\_\_

Claim(s) withdrawn from consideration: \_\_\_\_\_

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_



CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600  
Part of Paper No. 11

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 11/27/2001 have been fully considered but they are not persuasive.

Claim 1 of applicant's invention, representative of the claimed subject matter, requires:

1) changing a current channel to a demanded major channel, in response to a demand to change a major channel, 2) displaying on a TV screen, 3) minor channels numbers of programs received, 4) through a currently selected major channel. Without question, Ozkan (col. 6, lines 17-30) teaches that the user selects programs by entering the first identification number and the second identification number. Ozkan teaches that the first identification number is the major [channel] number, which reads on the meets feature #1. It is furthermore disclosed that the first identification number indicates a broadcast source of a program source and may be an independent RF channel on which the program is broadcast.

As for the features 2-4 of displaying on a screen, minor channel numbers, clearly Ozkan teaches that descriptive lists of programs receivable on the sub-channels listed in the CIT is transmitted to a user's set top decoder, col. 7, lines 65-67 thru col. 8, line 1. Therefore Ozkan is suggesting that a list of sub-channel programs (i.e. minor channel numbers) may be displayed for a user. However, Ozkan does not actually show such an arrangement in the drawings.

Nevertheless, Otsuki is directed to displaying interactive program guide menus for subscribers, which display a hierarchal list of channels, for selection by a subscriber. In Otsuki, the hierarchy is based on the category or theme, (Fig. 7). With respect to a particular theme or category, all of the programs that coincide with the particular heading are displayed for the subscriber, (Fig. 8; Fig. 9). This reference is particularly compatible with Ozkan, since Ozkan teaches that one embodiment of major and sub-channels, is directed to categories or themes as a major channel and associated programs being sub-channels. This subject matter is the essence of the graphical user interface shown in Otsuki, (Fig. 9; Fig. 13).

Thus one of ordinary skill in the art at the time the invention was made, would have been motivated to display an interactive hierarchal menu of programs for a viewer, as taught by Otsuki, for the very well known benefit of enabling the subscriber *to view* the list of sub-channels from which a selection is to be made and providing users with an efficient manner of selecting programs related or linked to a particular group heading of programs.

On page 2 of applicant's response, it is argued that the disclosure at col. 3, lines 30-32 of Ozkan teaches away from the claimed invention, examiner respectfully disagrees. The cited passage is directed to a particular point in time the viewer is interacting with the system. It is disclosed that a user selects either a TV channel or an on-screen menu, such as a program guide. Thus at that particular time the user may either directly choose a channel to be tuned, or enter the program guide mode. While in the program guide mode, the user in Ozkan is enabled to

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interactively select programs, (col. 3, lines 63-65; col. 9, lines 44-50). Therefore the instant recited passage does not teach away from enabling user's to interactively select programming from a program guide.

Finally, applicant argues that Ozkan only specifically discusses one channel number 305, within a particular bundle 300. Examiner asserts that Ozkan necessarily provides plurality of bundle numbers (major channels) and a plurality of channel number within each bundle; see col. 10, lines 62-65, which discusses a plurality of sub-channel lists.

The additional claims include subject matter corresponding with claim 1, and are likewise analyzed.

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**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 872-9314 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Brown M. Reuben whose telephone number is (703) 305-2399.  
The examiner can normally be reached on M-F (8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Andrew I. Faile can be reached on (703) 305-4380. The fax phone numbers for the  
organization where this application or proceeding is assigned is (703) 872-9314 for regular  
communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the receptionist whose telephone number is (703) 305-4700.

Reuben M. Brown

  
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